

ASSEMBLY BILL

No. 359

Introduced by Assembly Member Nava

February 23, 2009

An act to amend Section 104150 of the Health and Safety Code, relating to cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 359, as introduced, Nava. Breast and cervical cancer: early detection screening: digital mammography.

Under existing law, the State Department of Public Health participates in a grant program through the federal Centers for Disease Control and Prevention to provide breast and cervical cancer early detection screening. Providers participating in the grant program may only provide screening services to individuals whose family income does not exceed 200% of the federal poverty level.

This bill would require digital mammography screening to be covered when analog mammography services are not available from the provider. It would permit the department to authorize coverage of digital mammography screening where digital and analog mammography are both available.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 104150 of the Health and Safety Code
2 is amended to read:

1 104150. (a) A provider or entity that participates in the grant
2 made to the department by the federal Centers for Disease Control
3 and Prevention breast and cervical cancer early detection program
4 established under Title XV of the Public Health Service Act (42
5 U.S.C. Sec. 300k et seq.) in accordance with requirements of
6 Section 1504 of that act (42 U.S.C. Sec. 300n) may only render
7 screening services under the grant to an individual if the provider
8 or entity determines that the individual's family income does not
9 exceed 200 percent of the federal poverty level.

10 (b) (1) The department shall provide for breast cancer and
11 cervical cancer screening services under the grant at the level of
12 funding budgeted from state and other resources during the fiscal
13 year in which the Legislature has appropriated funds to the
14 department for this purpose. These screening services shall not be
15 deemed to be an entitlement.

16 (2) *Digital mammography screening shall be covered when*
17 *analog mammography services are not available from the provider.*
18 *The department may authorize coverage of digital mammography*
19 *screening where digital and analog mammography are both*
20 *available from the provider.*

21 (c) To implement the federal breast and cervical cancer early
22 detection program specified in this section, the department may
23 contract, to the extent permitted by Section 19130 of the
24 Government Code, with public and private entities, or utilize
25 existing health care service provider enrollment and payment
26 mechanisms, including the Medi-Cal program's fiscal intermediary.
27 However, the Medi-Cal program's fiscal intermediary shall only
28 ~~be utilized~~ *used* if services provided under the program are
29 specifically identified and reimbursed in a manner that does not
30 claim federal financial reimbursement. Any contracts with, and
31 the utilization of, the Medi-Cal program's fiscal intermediary shall
32 not be subject to Chapter 3 (commencing with Section 12100) of
33 Part 2 of Division 2 of the Public Contract Code. Contracts to
34 implement the federal breast and cervical cancer early detection
35 program entered into by the department with entities other than
36 the Medi-Cal program's fiscal intermediary shall not be subject
37 to Part 2 (commencing with Section 10100) of Division 2 of the
38 Public Contract Code.

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